



DEPARTMENT OF TRANSPORTATION
HAZARDOUS MATERIALS REGULATIONS BOARD
WASHINGTON, D.C. 20590

12494

[Docket No. HM-93, Amdt. 173-63]

PART 173—SHIPPERS

Class B Propellant Explosives in Fiber Drums

The purpose of this amendment to the Department's Hazardous Materials Regulations is to prohibit the shipment of Class B propellant explosives in specification 21C fiber drums in rail boxcars and in container-on-flatcar service.

On November 6, 1971, the Hazardous Materials Regulations Board published Docket No. HM-93; Notice No. 71-28 (36 F.R. 21360) proposing the change described above. On December 16, 1971 (36 F.R. 23931), the comment period in this docket was extended from January 4 to February 22, 1972, to permit test results to be presented to the Board by the petitioner. Again, on February 10, 1972, the same petitioner requested further extension of the comment period for 60 days, for the same reason. This later petition for extension was denied since no additional information was submitted to the Board showing good cause and public interest. To date, the results of the tests referred to above have not been submitted to the Board.

Several comments were received. The objectors took issue with the Board's proposed solution to the problem. Commenters did not question the existence of the problem cited, namely, serious failures in rail transportation of DOT-21C fiber drums filled with Class B propellant explosives. The Board admits that if conditions in rail transportation were changed, the package could be satisfactory in this service. But, given the existing problem, which the parties involved have been unable to solve, the Board must take this action to prevent undue public exposure to hazards. No evidence has been presented that would indicate that the Board could satisfactorily resolve this issue which shippers

and carriers have also been unable to solve.

Several commenters correctly noted that the basis for the Board's decision did not include unsatisfactory experience reports in container-on-flat-car or trailer-on-flat-car service, but by its proposed rule this transportation by rail was precluded. The Board agrees that the incidents reported do not directly support excluding such transportation. However, as far as is known to the Board, no shipments have been made by COFC and in view of the problems in boxcar shipments the Board has no information on which to base a determination that COFC shipments could safely be made. Safe shipments are being made in TOFC service. Therefore the rule has been changed to authorize TOFC service.

In consideration of the foregoing, 49 CFR Part 173 is amended as follows:

In § 173.93, paragraph (a)(10) is amended to read as follows:

§ 173.93 Propellant explosives (solid) for cannon, small arms, rockets, guided missiles, or other devices, and propellant explosives (liquid).

(a) * * *

(10) Specification 21C (§ 178.224 of this subchapter). Fiber drum. Each drum having any wooden head must be provided with a strong, sift-proof liner. Net weight may not exceed 225 pounds. Shipment by rail freight is prohibited except in trailer-on-flat-car service.

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This amendment is effective September 30, 1972.

(Secs. 831-835 of title 18, U.S.C.; sec. 9, Department of Transportation Act, 49 U.S.C. 1657)

Issued in Washington, D.C., on June 16, 1972.

MAC E. ROGERS,
Board Member for the
Federal Railroad Administration.

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